

Vulnerable Youth Guardianship Protection Amendment Act of 2023

Background and Problem

Currently, DC and federal law are misaligned in a way that harms vulnerable immigrant youth age 18 up to 21 living in DC. Existing federal law allows abandoned, abused, or neglected immigrant youth under age 21 who are placed in the custody of an individual or entity, or otherwise dependent on a state court, to seek legal status through a humanitarian visa called Special Immigrant Juvenile Status (SIJS). However, without the necessary court findings, youth cannot petition the federal government for SIJS. DC Superior Court currently does not have jurisdiction over youth age 18 up to age 21 residing in DC unless they are already in Child and Family Services Agency's (CFSA) custody or were previously found to be neglected by the court. As a result, these youth are unable to access the protection SIJS was intended to afford them only because they live in DC.

Immigrant youth face language access and literacy barriers, financial challenges, and difficulty finding legal counsel. These stressors, compounded by the pandemic, often force youth to delay pursuing legal representation while they focus on immediate needs. By remaining without legal status, these vulnerable youth are put at risk of further harm, abuse, exploitation, and trafficking. Older immigrant youth will benefit from having a guardianship relationship with a responsible adult to reduce the risk of further abuse, provide ongoing support while they enter into young adulthood, and integrate into the community.

JENNY'S STORY

At a young age, Jenny was made to work long hours in the field, and was unable to attend school much. Her parents then abandoned her, and she was placed in the care of her grandparents, who both passed away from COVID-19 complications in Guatemala. **She journeyed to the U.S., was placed into removal proceedings, and was released to the custody of her aunt in DC.** Jenny arrived in DC only two months before turning 18 and focused on getting enrolled at Cardozo High School and settling into her new home. With so much on their plates, Jenny and her aunt could not secure legal counsel before she turned 18, and **she lost the opportunity to pursue legal status through SIJS.**

Solution: Vulnerable Youth Guardianship Protection Amendment Act

This bill extends DC Superior Court jurisdiction in a narrow way by adding new sections to DC law that will align DC and federal law with the dual goals of: 1) providing immigrant youth living in DC increased opportunities for stability and productivity by having an adult guardian in their lives, and 2) increasing access to immigration relief through SIJS. The bill will:

- **Create a new class of protected vulnerable youth for the purposes of guardianship proceedings** by defining “vulnerable youth” as an unmarried noncitizen up to 21 years old
- **Give the Family Court Division of the DC Superior Court the jurisdiction to appoint legal guardians for youth** up to 21 years old who are not already in Child and Family Administrative Services (CFSA) custody without the need for ongoing supervision from city agencies or the participation of Office of the Attorney General (OAG) attorneys
- **Align DC law with federal law to allow these youth to access Special Immigrant Juvenile Status (SIJS)**, a humanitarian immigration benefit that provides a path to legal status for abused, abandoned, or neglected immigrant youth
- **Promote stability, safety, and permanency for immigrant youth who have experienced trauma and hardship**, without taking away any of the youth's rights

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